

RYAN ZHANG,

Plaintiff,

v.

JEFF BEZOS, et. al.,

Defendants.

THIS MATTER is before the Court on Defendants’ “Motion to Dismiss Plaintiff’s Complaint” (Doc. No. 14) filed December 4, 2023, and pro se Plaintiff’s “Motion to Extend the Time to File a Complete Amended Complaint” (Doc. No 15) and “Complete Amended Complaint” (Doc. No. 16), both filed December 5, 2023.

On November 9, 2023, the Honorable Frank D. Whitney, the presiding District Judge, granted Plaintiff's Motion to Amend (Doc. No. 10), and denied as moot Defendant's initial "Motion to Dismiss" (Doc. No. 4). (Doc. No. 12). Judge Whitney order Plaintiff to file his Amended Complaint by December 1, 2023.

On December 5, 2023, Plaintiff filed his present Motion and Amended Complaint, stating that due to difficulties with receiving his mail, he was unaware of the Court's November 9 Order until he received Defendants' current Motion to Dismiss. He filed his Motion and Amended Complaint the next day, 4 days past the deadline. The Court finds this set of circumstances amounts to excusable neglect. Accordingly, Plaintiff's Motion to Extend Time is granted, and the Amended Complaint is deemed timely filed.

It is well-settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Hall v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011); Young v. City of Mount Ranier, 238 F.3d 567, 572-73 (4th Cir. 2001).

IT IS THEREFORE ORDERED that:

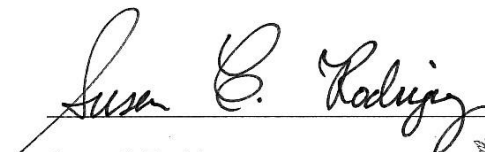
1. Plaintiff's "Motion to Extend the Time to File a Complete Amended Complaint" (Doc. No 15) is **GRANTED** and his "Complete Amended Complaint" (Doc. No. 16) is **DEEMED TIMELY FILED**.

2. Defendants' "Motion to Dismiss Plaintiff's Complaint" (Doc. No. 14) is administratively **DENIED** as moot without prejudice.

2. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: December 6, 2023


Susan C. Rodriguez
United States Magistrate Judge

